

**Summary of the
Program Policy and Structure Committee Meeting
January 13, 1998**

The Program Policy and Structure Committee of the National Environmental Laboratory Accreditation Conference (NELAC) met on Tuesday, January 13, 1998, at 10:30 a.m. Eastern Standard Time (EST) as part of the Third NELAC Interim Meeting in Arlington, VA. The meeting was led by its chair, Ms. Pauline Bouchard of the Minnesota Department of Health. A list of action items is given in Attachment A. A list of participants is given in Attachment B.

INTRODUCTION

Mr. Bruce Harvey opened the meeting by defining RTI's facilitator and scribe support roles and outlining the meeting agenda: review of proposed changes to the NELAC Constitution, Bylaws, and Chapter 1.

Each committee member then introduced him/herself and provided his/her affiliation. Ms. Bouchard then requested that each member of the audience to do the same. She reminded everyone of the need to act upon the proposed changes so that they can be voted on at the 1998 Annual Meeting in San Antonio, TX. Ms. Bouchard identified three key items of change to be discussed: (1) recommending creation of a new Standing Committee on Sampling and Field Measurements, (2) addressing numerous comments from the Department of Defense (DoD) and the Environmental Monitoring Management Council (EMMC), and (3) globally changing the filing date references to calendar days for clarification.

An item-by-item review of the proposed changes to the Constitution and Bylaws was then begun. Where possible, the source of each proposed change was identified. Many of these changes were global and editorial in nature (e.g., replacing "will" with "shall" and replacing "environmental laboratory" with "organization directly involved in environmental measurements").

Considerable discussion then ensued regarding Article IV, Section 2 of the Bylaws where it was agreed that further description of the duties of the NELAC Board of Directors was warranted. The initially proposed additional wording was withdrawn because of reference to the implementation of a strategic plan. Ms. Bouchard proposed a revised duty of the Board of Directors' to read as follows: "It annually reviews, holds accountable, and approves the work of committees and task forces to assure that the concerns of the various constituencies are being addressed."

Concern was also expressed about proposed changes to the Constitution and/or Bylaws brought to the Board of Directors by any NELAC committee, and it was agreed that the Board of Directors is obligated to acknowledge all such proposals as a matter of record in its customary reports.

The first major reference to the creation of a Sampling and Field Measurements Committee was made in Article VI, Section 3 of the NELAC Bylaws. The name of the committee was standardized as listed above and there was general committee and audience support for inclusion

of the new committee. If and when this committee is formed, it will decide whether new chapters to the NELAC Standards will be required or whether existing chapters will accommodate the new committee's language.

The proposed changes to Chapter 1 of the NELAC Standards were then addressed. References to the Sampling and Field Measurements Committee in Section 1.1.3 were edited for consistency with those in the Constitution and Bylaws. A paragraph outlining the responsibility of this committee to develop and maintain standards regarding sampling and field measurements was proposed for insertion after the last current paragraph of Section 1.1.3.

In Section 1.1.4 much discussion was heard about the appropriate use of the NELAC logo. It was agreed that the current wording is insufficient, that more specific language on logo misuse and the consequences of such misuse should be developed. The American Association of Laboratory Accreditation (A2LA) has existing language regarding these issues for its own use, and there was strong support for incorporating such language into the NELAC Standards. It was also noted that permissible use of the NELAC logo is currently being reviewed by US EPA legal counsel.

In Section 1.3, Item e, the entirety of the "NOTE" was removed from the text of the Chapter and placed as a footnote.

Section 1.5 was deleted from the Chapter and all subsequent sections were renumbered.

The revised Section 1.5.1 was edited to clarify the responsibilities of the US EPA to that of publishing but not providing proposed and final standards. Members of the audience discussed isolated instances of difficulty in downloading electronic versions of the standards and other documents (especially those with high graphic content). It was suggested that this issue be forwarded to the Membership/Outreach Committee for their consideration.

Considerable discussion was then heard regarding Section 1.5.3 on Reciprocity. There is concern within some states that their existing legislation does not allow them to grant "reciprocity" and that this is affecting their ability to enroll in NELAC. Discussion was then heard concerning alternative terms that do not carry the full implications of "reciprocity." Such terms include "interstate recognition", "mutual recognition", and "intergovernmental recognition." It was agreed upon by the Program Policy and Structure Committee that these concerns be made known to the NELAC committee involved with design of states' model legislation, and will also be discussed with the Accrediting Authority Committee.

Discussion was also heard regarding the limited rights that a secondary accrediting authority has not to grant reciprocity, and also regarding the responsibility of a secondary accrediting authority to notify a primary accrediting authority of its knowledge of a NELAC infraction.

Finally, there was a lengthy discussion regarding the due process rights of laboratories, especially in those cases when a laboratory has exhausted its appeal rights with its Accrediting Authority. It was asked whether the Accrediting Authority Review Board (AARB) could be the next level of appeal for the laboratory. It was suggested that this committee take its concerns regarding "due

process” to the Accrediting Authority Committee. It was also proposed that the Program Policy and Structure Committee ask the Accreditation Process Committee to reexamine Sections 4.4.1(e) and 4.7.

In new Section 1.6.5 the relationship between the NELAC Board of Directors and the creation of new standing committees was examined, and it was agreed that rewording was in order. Wording was proposed to allow the Board of Directors to “initiate creation of a new standing committee by submitting such a proposal for member vote.”

The committee proposed, and the audience supported, revision of all references in Chapter 1 of “days” to “calendar days”. Certain committee deadlines were lengthened from “30 days” to “45 calendar days”.

In Section 1.8.1 members of the committee and the audience sought clarification of the term “analyte class”, and whether references to “analyte class” are consistent with those contained in Chapter 2.

ACTION ITEMS
Program Policy and Structure Committee
January 13, 1998

| Item No. | Action Item | Date Completed |
|-----------------|--|-----------------------|
| 1. | Committee to modify definition of logo misuse and consequences of such misuse. | |
| 2. | Committee to relay to Membership/Outreach Committee concerns raised by committee members and audience regarding isolated instances of difficulty in downloading electronic version of the Standards. | |
| 3. | Concerns regarding use of the term “reciprocity” (and alternative terms) be made known to the NELAC Accrediting Authority and Implementation committees. | |
| 4. | Committee should take its concerns regarding “laboratory due process” to the Accrediting Authority Committee. | |
| 5. | The Program Policy and Structure Committee should either reexamine/revise Section 4.7 or ask the Accreditation Process Committee to reexamine Sections 4.4.1(e) and 4.7. | |

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Program Policy and Structure Committee
January 13, 1998

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